

AWARD NO. 6/78-77 333

Name of the Village : Ibrahimpur
 Nature of acquisition : Permanent
 Purpose of acquisition : Construction of Sleempur Minor and Ibrahimpur Minor.

Introduction

These are proceedings for determination of compensation u/s 11 of the Land Acquisition Act, 1894. The land situated in village Ibrahimpur measuring 48 Bighas 15 Biswas was notified u/s 4 of the Land Acquisition Act vide notification No.F.7(4)/75-L&B(1)/2454 dated 9.2.1977 for a public purpose, namely, for construction of Sleempur Minor and Ibrahimpur Minor. Provisions of sub section (1) of section 17 were also made applicable to this area and hence the interested persons were not given any opportunity to file their objection u/s 5-A. The Delhi Administration issued a declaration u/s 6 of the said Act vide notification No.F.7(4)/75-L&B(11)/2454 dated 9.2.1977. In pursuance of above declaration u/s 6, notices u/s 9,10 of the L.A. Act were issued to all the persons interested in the land now under acquisition. The claims filed by the claimants are discussed hereafter under the heading "Claims".

Measurement

The area under acquisition is given in the declaration u/s 6 is 48 Bighas 16 Biswas but it has been found 48 Bighas 15 Biswas at the time of measurement made by the field staff. The decrease of 0-1 Biswas is due to calculation made by the field staff at the time of preparing draft notification u/s 4 and 6 of the L.A. Act. Hence area measuring 48 Bighas 15 Biswas is being acquired at present.

Classification of Land

The details of Kh.No. in Form 7-A have been prepared under para 55 of the F.C. Order No. 28 which are as under:-

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<u>Kh. No.</u>	<u>Area</u> <u>Big-Bis</u>	<u>Kind of land</u>
62/1	1-12	Abpash
63/1	1-19	-do-
64/2/1	0-08	-do-
69/1	1-12	-do-
78/1	1-12	-do-
81/1	1-12	-do-
92/1	0-16	G. Abpash
93/2/1	0-16	G. Abpash
94/2/1	0-16	G. Abpash
95/1	0-16	G. Abpash
111/1	0-16	-do-
112/2/1	1-17	Abpash
158/1	1-08	-do-
159/1	1-16	-do-
160/1	1-16	-do-
161/1	1-16	G. Abpash
162/1	1-16	G. Abpash
163/1	1-15	-do-
164/1	1-16	-do-
187/1	1-16	Abpash
188/1	1-16	-do-
205/2	0-01	G. Munkin Rasta
312/1	1-16	G. Abpash
313/1	1-16	-do-
334/1	1-16	-do-
335/1	1-16	-do-
336/1	1-16	-do-
337/1	1-16	-do-

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338/1	1-16	G. Abpash
339/1	1-16	-do-
340/1	1 -16	-do-
341/1	1-16	-do-
485/2	0-03	G. Mumkin Rasta
562/1	0-03	-do-
748/1	0-01	-do-
Total	<u>48-15</u>	

The land owners have not raised any objection regarding the measurement and classification of land. At present there is no other alternative left with me except to agree with the classification and measurement as prepared by the field staff, L.A. on the basis of entries of khasra girdawari and other relevant records, at the time of publication of notification u/s 4 & 6. The classification of land is as under:-

<u>Kind of land</u>	<u>Area</u>
	Big - Bis
Abpash	19-04
G. Abpash	29-04
G. Mumkin Rasta	0-07
	<u>48-15</u>

POSSESSION

The possession of the land now under acquisition has already been taken and handed over to the acquiring department on 3.6.1977.

CLAIMS

The following persons have filed their claims in pursuance of notices issued to them u/s 9 & 10 of the Land Acquisition Act, 1894:-

S.No.	Name of the claimant	Compensation demanded	Remarks
1.	Smt. Raj Kali w/o Sh. Attar Singh r/o Vill. Ibrahimpur	Claimed compensation @ Rs. 20/- per sq. yd and damages of crops Rs. 5000/- and for earth	She stated that my land Kh. No. 93/1, 94/1 is near the

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2. Sh. Sobha Ram s/o Nandu r/o Ibrahimpur
 Claimed compensation @ Rs. 20/- per sq. yd
 He stated that he has no more land in this village and the rate of land is Rs. 25-30 p. sq. yd in this village.
3. Sh. Amar Singh s/o Malhi r/o Vill. Burari
 Claimed compensation @ Rs. 35/- per sq. yd i.e. Rs. 60,000/- per bigha. Further claimed Rs. 5000/- per bigha
 Claimed for Kh. No. 336, 327
4. Smt. Malti Devi wd/o Ram Kishan r/o Vill. Burari. Shiv Kumar, Mahesh Kumari, Raj Kumari d/o Ram Kishan
 Claimed @ Rs. 5000/- per Bigha for the land under acquisition for Kh. Nos. 128, 340, 341 and claimed for earth Rs. 21,000/-
 They stated that the land now under acquisition is more productive valued.
5. Kartar Singh, Subhash and Sathir s/o Amar Singh r/o Vill. Burari
 Claimed compensation @ Rs. 5000/- per bigha
 They stated that they earn Rs. 200/- per Bigha per annum.
6. Sher Singh r/o Vill. Ibrahimpur
 Claimed compensation @ Rs. 20,000/- per bigha for the land of Kh. No. 160, 161, 162
 He stated that the land is more productive valued
7. Mangat s/o Prabhu r/o Vill. Ibrahimpur
 Claimed compensation @ Rs. 10,000/- per bigha in respect of Kh. Nos. 160, 161, 162
 He stated that the land is more productive
8. Sita Ram s/o Navrang r/o Vill. Burari
 Claimed compensation @ Rs. 20/- per sq. yd i.e. Rs. 20,000/- per bigha in respect of Kh. No. 62, 63, 64, 68, 72, 81
 -do-
9. Sh. Ram s/o Des Raj
 1/3 share, Onkar Pd. s/o Indraaj 1/3 share, Lehwar Dutt, Rajeshwar Dutt s/o Smt. Shukantla Devi, Urmila Devi d/o Smt. Bhagwati Devi wd/o Jug Lal Kishor 1/9 share. Smt. Bohti wd/o Lachchu 1/9 share, Surinder Kumar s/o Smt. Murlid Devi d/o Smt. Piyari wd/o Nanda 1/9 share th. H. R. Sharma Advocate, r/o Vill. Burari
 Claimed compensation @ Rs. 10,000/- per bigha -

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The above mentioned claimants have filed their claims @ Rs. 25 to Rs. 35/- per sq.yds but they failed to produce any documentary and oral evidence in support of their claims.

MARKET VALUE

The area of this Village is governed by provisions of Delhi Land Reforms Act, 1954. Therefore, the land in this Village cannot be used for purposes other than agriculture without the prior sanction of the prescribed authority.

Market value of land is to be determined with reference to the price prevailing as at the date of notification. The value to be ascertained is the price to be paid for the land with all its advantages and with all the use made of it by the vendor. The date of notification u/s 4 of the L.A. Act is 9.2.1977. In the absence of any reliable evidence from the side of the claimant, the record of rights was consulted and following sale transactions were found therein:-

S.No.	Mutation No/ date	Sale deed No/ date	Area Big-Bis	Amount	Average per bigha
1.	0-4/39 19.4.72	14189/ 30.11.1971	13-18	Rs.16680	Rs.1200/-
2.	0-4/40 24.10.72	11241 23.9.72	10-13	Rs.17040/-	Rs.1130-50
3.	0-4/48 28.4.73	24.4.73	32.12	Rs.48000/-	Rs.1227-00
4.	0-4/51 27.2.74	13303/ 15.10.73	5-1	Rs. 8080/-	Rs.1616/-
5.	0-4/54 23.3.74	3825/ 23.2.74	28-12	Rs.13760/-	Rs.1577/-
6.	0-4/57 22.7.74	2040/ 25.6.73	16-9	Rs.12000/-	Rs. 729-48
7.	0-4/58 22.7.74	1709/ 25.6.73	9-17	Rs. 8000/-	Rs. 812-18
8.	0-4/59 22.7.74	9247/ 9.7.73	10-5	Rs. 2000/-	Rs. 788-29

A scrutiny of above sale transactions mentioned

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at S.No. 4 & 5 reveal that the land transferred are just adjoining to the village abadi and cannot be compared with land under acquisition. From the above table it is clear that prices of land in this village are from Rs. 200/- to Rs. 730/- per Bigha during the period of 1971 to 1974. There is down ward trend in prices which cannot be taken into consideration while assessing the market value of the land. Apart from the above sale transaction, there is award No. 12/72-73 of village Ibrahimpur. The part of land under acquisition has already been acquired vide Award No. 12/72-73 for an area measuring 34 Bighas 04 Biswas. The Land Acquisition Collector had divided the land into three blocks on the basis of classification of land, namely Abpash, Gatt Abpash, Banjar Qadim & Jadid & G.M. Tank and awarded Rs. 500/-, Rs. 300/- & Rs. 200/- per Bigha. Presently the land under acquisition falls in the category of Abpash, G. Abpash quality of land. For this category of land in Award No. 12/72-73 the price was given at the rate of Rs. 500/- per bigha. Thus the valuation of land may provide guidelines for establishing the value of similar land, presently under acquisition. But before arriving at any definite conclusion we will have to consider the time gap between the issue of notifications u/s 4 of Act for the acquisition of land in award No. 12/72-73 and in the present case. The date of notification under award No. 12/72-73 is 30.5.1969 while in the present case the land was notified on 9.2.75. The nature and type of land acquired in award No. 12/72-73 is similar and adjacent to the land now under acquisition. Taking into consideration the time lapse and general price rise etc. I deem it fair to fix the market value of the land under acquisition as Rs. 750/- per bigha and assess the same accordingly. There is G.M. Rasta on Kh.No. 435/2(0-3), 562/1(0-3) & 748/1(0-1) total measuring 7 Biswas for which no compensation is being assessed because this area is dedicated for public use.

TREES WELLS & STRUCTURES :- There is no well and tree and structure on the land now under acquisition.

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Apportionment

The persons interested shall be paid compensation according to the latest entries in the revenue record of the land now under acquisition. In case of any dispute the payment shall be made after amicable settlement between the parties concerned failing which the matter shall be referred to the A.D.J. for adjudication.

15% solatium

15% solatium will be paid for compulsory nature of acquisition.

Interest

The persons interested are entitled to get the interest @ 6% p.a. from the date of taking over possession i.e. 3-6-1977.

Land Revenue.

Land revenue work out to Rs.7.58 P will be deducted from Khalsa Rent Roll of the Village of the Khatauni of the village from the date of taking over possession.

SUMMARY OF THE AWARD

The award is summarised as under:-

Compensation for the land measuring 48 Bighas 8 Biswas @ Rs.750/- per Bigha.	Rs. 36,200-00
Compensation for the land measuring 7 Biswas as G.M. Rasta	Nil
15% solatium	Rs. 5,445-00
Interest @ 6% p.a. w.e.f. 3.6.77 to 1.6.78 (262 days only)	Rs. 2,484-12
Grand Total:-	Rs. 44,229-12

(Rupees Forty four thousand two hundred twenty nine and paise twelve only).

Announced & filed today
P. C. Nishan
11/1/78

(P.C. NISHAN)
 LAND ACQUISITION COLLECTOR (N),
 DELHI.

Wilak Rn Tyagi
3/6/77 M.T.

Inde S N
Patwa - L P
3/6/77

W Sherry

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